

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as
Executor of the Estate of Stephen J. Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as
Executor of the Estate of Stephen J. Ditko,

Counterclaimant,

v.

MARVEL CHARACTERS, INC., and DOES
1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-07957-LAK

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR
DISMISSAL WITH PREJUDICE**

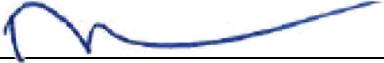
Hon. Lewis A. Kaplan

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counterclaim-Defendant Marvel Characters, Inc., on the one hand, and Defendant and Counterclaimant Patrick S. Ditko, on the other, by and through their undersigned counsel, hereby stipulate that this action and all claims, including all counterclaims, and defenses asserted therein, be dismissed with prejudice, with each party bearing its own attorneys' fees, costs, and expenses.

Dated: December 22, 2023

O'MELVENY & MYERS LLP

By:


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Attorneys for Marvel Characters, Inc.

Dated: December 20 , 2023

TOBEROFF & ASSOCIATES, P.C.

By:


Marc Toberoff

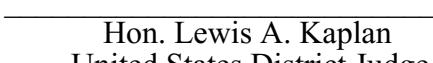
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Attorneys for Patrick S. Ditko

SO ORDERED:

DATED: , 2023

BY:


Hon. Lewis A. Kaplan
United States District Judge